

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff, and ALAN  
NISSELSON, Chapter 7 Trustee for the Estate of  
Bernard L. Madoff,

Plaintiffs,

v.

HOBOKEN RADIOLOGY, LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Case No. 09-11893 (SMB)

Adv. Pro. No. 10-05386 (SMB)

**STIPULATION AND ORDER APPROVING SELECTION OF MEDIATOR AND  
EXTENDING AGREED PERIOD FOR MEDIATION**

**WHEREAS**, Irving H. Picard, Trustee for the substantively consolidated liquidation of  
Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff (the “Trustee”) and the  
defendant (“Defendant,” and together with the Trustee, the “Parties”) in the above-referenced  
adversary proceeding (the “Action”) agreed to exchange limited discovery and mediate the issues

presented in the Action pursuant to a Stipulation and Order (the “Mediation Order”), “so ordered” by this Court on November 13, 2013 (Doc. No. 41); and

**WHEREAS**, the Mediation Order provides that the Parties shall choose a mediator who is on this Court’s Mediation Panel or is an otherwise appropriate person mutually agreed to by the Parties, which selection shall in either case be in accordance with this Court’s General Order M-390 and subject to this Court’s further approval; and

**WHEREAS**, the Parties have selected Hon. Francis G. Conrad (“Conrad”) as the mediator; and

**WHEREAS**, Conrad is on the Court’s Mediation Panel and served as a United States Bankruptcy Judge in various jurisdictions and as a member of the Bankruptcy Appellate Panel for the Second Circuit; and

**WHEREAS**, Conrad and the Parties have entered into a separate Mediator Engagement Agreement consistent with the Mediation Order and this Court’s General Order M-390; and

**WHEREAS**, consistent with the Mediation Order, the Parties shall each pay half of all reasonable fees, expenses and other amounts payable to Conrad; and

**WHEREAS**, the Mediation Order further provides that the “Agreed Period” for exchanging limited discovery and conducting the mediation shall be deemed to cover the 120-day period commencing on the November 13, 2013 “so ordered” date; and

**WHEREAS**, the Parties need additional time to exchange limited discovery and conduct the mediation, and wish to extend the Agreed Period to cover the 90-day period commencing on the “so ordered” date below.

**NOW, THEREFORE**, the Parties have stipulated and agreed to, and the Court has **ORDERED**, the following:

1. Other than as set forth below, the Parties hereby affirm the terms of the Mediation Order in all respects.

2. Conrad is approved to mediate this Action in accordance with the terms of the Mediation Order, the Mediator Engagement Agreement and this Court's General Order M-390.

3. The "Agreed Period", as set forth in subparagraph 1(b)(i) of the Mediation Order, is extended to cover the 90-day period commencing on the "so ordered" date below.

4. The pre-trial conference in the Action is adjourned from July 30, 2014 at 10:00 a.m. to October 22, 2014 at 10:00 a.m.

Dated: New York, New York  
July 10, 2014

By: /s/ Howard L. Simon  
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*Special Counsel for Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff and Alan Nisselson, Chapter 7 Trustee for the Estate of Bernard L. Madoff*

Dated: Jericho, New York  
July 10, 2014

By: /s/ Thomas M. Mealiffe  
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*Attorneys for Defendant*

SO ORDERED ON July 30<sup>th</sup>, 2014:

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE